

VZCZCXRO7163
PP RUEHDBU RUEHDT RUEHKN RUEHLMC RUEHMJ RUEHMR RUEHPB
DE RUEHDR #0245/01 0570408
ZNY CCCCC ZZH
P 260408Z FEB 07
FM AMEMBASSY DAR ES SALAAM
TO RUEHC/SECSTATE WASHDC PRIORITY 5577
INFO RUCNCLM/MCC CANDIDATE COUNTRY COLLECTIVE PRIORITY
RUEHDS/AMEMBASSY ADDIS ABABA PRIORITY 3134
RUEHJB/AMEMBASSY BUJUMBURA PRIORITY 2486
RUEHKM/AMEMBASSY KAMPALA PRIORITY 2939
RUEHLS/AMEMBASSY LUSAKA PRIORITY 1754
RUEHNR/AMEMBASSY NAIROBI PRIORITY 0515
RUEHSA/AMEMBASSY PRETORIA PRIORITY 3406
RUEATRS/DEPT OF TREASURY WASHINGTON DC PRIORITY
RUEHLMC/MCC WASHINGTON DC PRIORITY
RHMFISS/CJTF HOA//J3 PRIORITY

C O N F I D E N T I A L SECTION 01 OF 04 DAR ES SALAAM 000245

SIPDIS

SIPDIS

DEPT FOR AF/E BYODER AND DMALAC AND DRL FOR LROBINSON,
SMURPHY, AND FCRUMP

E.O. 12958: DECL: 02/20/2011

TAGS: [PREL](#) [PGOV](#) [PHUM](#) [PINR](#) [EAID](#) [TZ](#)

SUBJECT: A QUICK 180: TANZANIA LIFTS BAN ON HAKIELIMU

DAR ES SAL 00000245 001.2 OF 004

Classified By: Deputy Chief of Mission, D. Purnell Delly, for reason 1.
4(d).

11. (C) SUMMARY. Reversing directions and changing its tune, the Government of Tanzania (GOT) removed its ban on HakiElimu, a Tanzanian NGO accused by the government of tarnishing the nation's image in the education sector. Just two months after the Prime Minister's Office had expanded prohibitions and threatened legal action against HakiElimu, the GOT met with the organization's top leadership in Dodoma on February 6 and agreed to remove restrictions on its activities. Rakesh Rajani, Executive Director of HakiElimu, told Poloff that the press played a deciding role in changing the government's position. After HakiElimu began publicizing the GOT's censorship on January 30, controversy broke out in the press. Articles, editorials, cartoons and opinion polls revealed strong public support for HakiElimu and within one week, the Prime Minister resolved the situation by concluding a five point agreement with HakiElimu leadership. Given the vital role played by the press, Rajani underscored the importance of not allowing passage of the new Freedom of Information bill in its current form. He called the legislation "egregious," and said it would muzzle the media and restrict access to information. END SUMMARY.

Background: Mkapa Administration Restricted HakiElimu

12. (U) The censorship of HakiElimu, a Tanzanian NGO promoting education and democracy, began during the run-up to the December 2005 Union elections. In September 2005, then Minister for Education and Culture, Joseph Mungai, prohibited HakiElimu from undertaking or publishing research on Tanzanian schools, issuing a circular to each local council and school leader ordering them to cease cooperation with HakiElimu. Former President Benjamin Mkapa backed up Mungai's ban, stating in an October 2005 public address, "HakiElimu may not step foot into schools." Furthermore, in November 2005, the GOT banned HakiElimu's advertisements on the government's Primary Education Development Program (PEDP) and the Secondary Education Development Program (SEDP), and formally banned HakiElimu from distributing materials under Government Notice 373.

What Promoted the GOT Bans on HakiElimu?

13. (C) According to Rakesh Rajani, Executive Director of HakiElimu, the NGO's research and advertisements were not in line with the Chama Cha Mapinduzi's (CCM's) election strategy to tout gains in the education sector. In 2005, HakiElimu published a report assessing three years of progress under PEDP. "The report," Rajani said, "revealed both achievements and gaps of the program." As far as HakiElimu's advertisements, Rajani explained that the media campaign aimed to stimulate reflection and debate by depicting real life challenges, such as the problem of corruption in the procurement of school supplies and limited access to education for children with disabilities.

Kikwete Administration Bolsters Ban Against HakiElimu

14. (C) With the election of President Kikwete, Rajani said that HakiElimu was hopeful about negotiating with the new administration to have the bans lifted. "We continued to operate but kept a low profile in 2006. We didn't run our advertisements and we didn't talk to the press about the government ban. Our main objective was to reduce tensions with the government and have the various bans on our activities removed," Rajani explained. From January to December 2006, Rajani claimed that HakiElimu made over 100 attempts to communicate with GOT officials at the Ministry of Education, the President's Office and the Prime Minister's Office. "These attempts to communicate fell on deaf ears," Rajani said, "and in late 2006, HakiElimu decided to begin running our advertisements again. These ads, however, were within the terms of the ban (i.e. did not pertain to PEDP or SEDP)."

15. (SBU) After nearly a year of silence regarding the status

DAR ES SAL 00000245 002.2 OF 004

of HakiElimu's ban, the Prime Minister's Office sent a letter marked confidential, dated December 5, 2006 to HakiElimu upholding, and strengthening, the ban against the NGO. The letter, which bears the signature of the Permanent Secretary of the Prime Minister's Office, Vincent Mrisho, begins, "We are writing to remind you that once again your advertisements and publications that are being published via radio, television and other media have been prohibited by the Government for being contrary to public interest." Rajani noted that this broad prohibition expanded the parameters of the bans imposed by the Mkapa administration which had prohibited only specific advertisements and research and publications on schools.

16. (U) Beyond banning HakiElimu's media spots, Rajani said that the letter warned HakiElimu against criticizing the government and threatened "strict legal action." The letter reads, "Take notice that each time you and your organization advertise any word, picture, photograph, placard, film, image statue, caricature, or any representation whatsoever with intent to disparage the image of our national education you are committing an offense. It is therefore ordered that any further contravention of the written law will lead to strict legal action being taken against you and your organization."

HakiElimu Goes Public: Media Frenzy Ensues

17. (SBU) According to Rajani, in response to increased government censorship and the threat of legal action, HakiElimu decided to go public, holding a press conference on January 30, 2007. HakiElimu's press conference emphasized Article 18 of Tanzania's constitution, which enshrines every individual's right to freedom of opinion and expression. HakiElimu shared the letter from the Prime Minister's Office with the press and made the following five demands of the GOT:

a) To lift the interdiction dated 8 September 2005 placed

against HakiElimu from "undertaking and publishing studies on Tanzanian schools."

b) To rescind Government Notice No. 373 of November 2005 prohibiting media organizations from broadcasting HakiElimu advertisements on PEDP and SEDP and allow the organization to develop and broadcast its public interest spots.

c) To allow HakiElimu to freely distribute its information materials countrywide, including to public institutions.

d) To not withhold information and statistical data about public matters from HakiElimu so as to enable the organization to undertake independent analyses and share them with its constituents.

e) To not exclude or otherwise hinder HakiElimu from participating in government-civil society consultation processes.

¶8. (SBU) As a result of HakiElimu's January 30 press conference, articles, cartoons and editorials about the GOT's censorship rapidly filled both the Swahili and English press. Between January 30 and February 6, HakiElimu recorded that Tanzanian newspapers published over 150 articles about the GOT's ban. According to Rajani, public opinion polls on ITV, a national television station, showed that over 80 percent of the people surveyed opposed government censorship of HakiElimu and supported the organization's right to operate freely.

A Quick 180: Kikwete Administration Lifts Ban

¶9. (U) Returning to Tanzania after his trip to the African Union Summit in Addis Ababa (January 29-30), President Kikwete spoke to reporters at the State House on February 1. The media asked Kikwete about his position on the government's ban against HakiElimu. Although noting that the ban took place while he was on foreign trips, Kikwete adhered to the general sentiment expressed by the Prime Minister's Office. He said that too often HakiElimu was "dwelling on the negative," and that "its demonizing attitude was the source of friction with the government."

DAR ES SAL 00000245 003.2 OF 004

¶10. (C) Commenting on President Kikwete's response, Rajani said that the President's tone was measured even though it was in line with the ban. "President Kikwete was much more conciliatory than former President Mkapa had been. Mkapa's October 2005 public address was a real tirade, lashing out at HakiElimu."

¶11. (C) The day after President Kikwete's interview, the Prime Minister's Office invited HakiElimu for a February 6 meeting with government officials in Dodoma. Rajani told Poloff that he learned through his contacts that President Kikwete and Prime Minister, Edward Lowassa, had talked on February 2 and decided to hold a meeting to resolve the situation. Prime Minister Lowassa chaired the meeting; the PM's Permanent Secretary Vincent Mrisho, Minister of Education Margareth Sitta, former Minister of Education Joseph Mungai, Minister of Information, Culture, and Sports Muhammed Khatib, and Head of CCM's Youth Wing Dr. Emmanuel Nchimbi, also attended.

¶12. (C) According to Rajani, the meeting lasted two and a half hours and resulted in the government agreeing to lift the ban against HakiElimu's operations. Rajani emphasized that, "Prime Minister Lowassa took the lead and was obviously inclined to solve the situation. At times, it was difficult to tell whose side Lowassa was on!" In short, Rajani said that the GOT met all of HakiElimu's requests (see para 7) and outlined the five main points of agreement reached between HakiElimu and the GOT:

a) HakiElimu will be able to conduct and publish research. Where this involves formal field research in school, a research permit will be sought from the Ministry of Education and Vocational Training as is normal procedure for all.

b) HakiElimu will be able to publish and distribute its publications countrywide. Materials that are sent to schools will first be shared with the Chief Education Officer for endorsement. The process is different from the formal assessment and approval of textbooks which requires approval from an Education Committee known as EMAC.

c) HakiElimu will be able to develop and broadcast media spots and programs; and in doing so will use its wisdom to ensure this work is balanced and based on truth/research.

d) HakiElimu will be able to represent civil society in government led processes and forums without constraints.

e) HakiElimu and Government offices will share information and maintain close and efficient communication on matters of mutual interest.

Why the Turnaround?

¶13. (C) In Rajani's view, the media controversy surrounding the GOT's censorship was an embarrassment for both the President and Prime Minister and triggered the GOT's change of heart. "The ban directly contradicted numerous statements made by Kikwete and Lowassa, urging the public to hold the government accountable and refrain from singing 'empty praises' about the government," Rajani explained. He added that the GOT must have considered the need to reassure donors providing general budget support that the government was creating an environment of increased accountability. (Note: Many of the donors providing budget support to Tanzania are the same donors which support HakiElimu - Ireland, U.K, Norway and Sweden). That said, Rajani emphasized that donor lobbying was not a significant factor in the outcome as "Once we decided to go public on January 30, the issue moved too fast for donors to get involved."

Freedom or Restriction of Information?

¶14. (C) Rajani also stressed the need to closely monitor the "Freedom of Information" bill, currently scheduled to be tabled in Parliament in April 2007. Rajani said the bill was the "worst piece of legislation" he had seen in fifteen years and contained provisions that stifle free expression and open

DAR ES SAL 00000245 004.2 OF 004

debate. He cited what he called "the most egregious" section on sedition, with provisions criminalizing those who criticize the government. Rajani also highlighted sections which would require the GOT to accredit journalists and would restrict press access to information. He asserted, "Given the choice between closure of HakiElimu and passage of the Freedom of Information bill in its current form, I would choose closure of HakiElimu. The damage the legislation could do to development of Tanzania's democracy would be far worse than closure of our operation." Although emphasizing that Tanzania badly needed an overarching law to codify the constitutional right to information and freedom of expression, Rajani noted that passage of the bill without significant revisions would signal that the GOT was moving in the wrong direction.

Comment:

¶15. (C) The February 6 Dodoma meeting marked a victory for HakiElimu, civil society, and press freedoms in Tanzania. Ironically, it was Tanzania's relatively free and robust press itself, and the play it gave to the controversy, which helped persuade the government to back down. Indeed, a more liberal press environment has been fostered by President Kikwete since he assumed office, and when we raised the

apparent contradiction in the treatment of HakiElimu, one President Kikwete's advisors told us that State House had been taken by surprise by the Prime Minister's letter and that Kikwete was searching for a face saving way to reverse the decision without appearing unaware of what his own Prime Minister was doing.

¶16. (C) However, the Freedom of Information Bill looms on the horizon as another potential threat to press freedoms. We will watch closely how the government responds to what has been an outpouring of criticism from the press and civil society. END COMMENT.
RETZER